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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY do DEPUTY

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JUN 27 2008

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM JOHN DAUGHTERY,	} CIVIL CASE NO. 08 CV 0408 WQH (BLM)
PLAINTIFF, V.	
DENNIS WILSON, S.D.P.D.,	} MOTION AND REQUEST FOR ISSUANCE
ESMERALDA TAGARAN, S.A.P.D.,	
SGT. GRIFFIN, S.D.P.D.,	} OF CIVIL SUBPOENA (DUCES
DET. LEMUS, S.D.P.D.,	
CITY OF SAN DIEGO,	} TECUM) FOR PRODUCTION OF
SAN DIEGO POLICE DEPT.	
DEFENDANTS	DOCUMENTS AS DISCOVERY AND
	EXHIBITS FOR JURY TRIAL
	WITH DECLARATIONS AND PROOF
	OF SERVICE. F.R.C.P. Rule 45

DATE: 19 JUNE 2008

I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF
IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN
FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT
THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED
DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL
PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR
OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED
INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHTERY V. D. WILSON, ETAL.
CIVIL CASE NO.
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1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S) 45
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS
6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS
8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE
10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTE
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR
14 FAILURE TO COMPLY WITH ITS ORDER. (FRCP 37)
15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND
16 DELIVERY BE PERFORMED WITHIN A REASONABLE PERIOD,
17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT
18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA
19 BE BORNE AND ADVANCED BY THE UNITED STATES
20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.
21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR; ALL
22 LEGAL CLAIMS REGARDING PRIVACY ISSUES ARE HERE
23 BY RELINQUISHED AND POSSESSOR IS NOT HELD LIABLE
24 FOR OBEDIENCE TO COURT'S COMMAND TO PRODUCE. WRITTEN
25 OBSERVATIONS AND CONCLUSIONS MAY BE SUBSTITUTED
26 IN LIEU OF RADIOGRAPHIC (INCLUDING SONOGRAM + X-RAY)
27 IF REPRODUCTION OF SUCH IMPOSES 'UNDUE BURDEN'
28 AND EXPENSE.

WILLIAM DAUGHTERY
CD CR # 79985
PO. Box 2349 / D10-1104
BLYTHE, CA. 92226

DATE: 19 JUNE 2008

RE: 08CV0408 WQH(BLM)

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REQUEST for CIVIL SUBPOENA DUCISTECUM)

FEDERAL RULES of CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAED

F.R.C.P. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT
INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED
INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY
STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE
INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA
COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL
OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY
SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED
INFORMATION ~~AS~~ IS TO BE PRODUCED.

F.R.C.P. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND
TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION
OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY
TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING
OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND
DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS;
INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY
STORED:

WILLIAM DAUGHTERY
F-79985 CDCR#
P.O. Box 2349
BLYTHE, CA. 92226

DATE: 19 JUNE 2008

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REQUEST FOR CIVIL SUBPOENA (DUCESS TECLIM)

ITEMS TO BE PRODUCED:

I. MEDICAL RE: 7735747 & 6704525

ALL MEDICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) JULY 30, 2007, INCL. INTAKE SCREENING

II. PSYCHOLOGICAL RE: 7735747 AND 6704525

ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) JULY 30, 2007. INCL. INTAKE SCREENING

THIS REQUEST ACTS AS **RELEASE** OF MEDICAL INFORMATION
CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!

THE **REQUESTED** ITEMS ARE MAINTAINED AT:

GEORGE F. BAILEY DETENTION FACILITY (BKG# 7735747 AND 6704525)

446 ALTA ROAD, SUITE 5300

SAN DIEGO, CALIFORNIA 92158

PHONE# (619) 661-2620

A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEYS FOR
DEFENDANTS AND I CERTIFY AND SWEAR THE FOREGOING IS **TRUE**.

MICHAEL S. AGUIAR, City Attorney

C/O WENDY DAVISSON, DEPUTY CITY ATTY.

1200 THIRD AVE, SUITE 1100

SAN DIEGO, CA 92101

WILLIAM DAUGHTERY

DATE: 19 JUNE 2008